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The Family Relations Program

– An Overview –

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Alberta
SOCIAL SERVICES
AND COMMUNITY HEALTH

TABLE OF CONTENTS

	PAGE
Family Relations Program Introduction	1
Maintenance Separated/Divorced Persons	10
Maintenance Children of Unmarried Parents	13
Maintenance Children in Care	16
Court Services	18
Family Conciliation Service	21
Custody Investigations	24
Guardian Social Allowance	27

FAMILY RELATIONS PROGRAM - AN INTRODUCTION

RATIONALE

The Family Relations Program is founded on four basic principles:

1. Parents and spouses should accept their continuing responsibilities to their children and to the family unit regardless of family break-up or other disruptive circumstances.

2. They should be encouraged to agree between themselves what arrangements they will make to discharge those responsibilities without recourse to the courts, if at all possible.

3. When legal recourse is unavoidable in resolving domestic disputes all persons should have ready access to the judicial system and assistance in making the most effective use of the system, without regard to their financial capabilities.

4. The taxpayers should not be required to support the dependants of parents and spouses who are capable of discharging their own financial responsibilities to their families.

OBJECTIVE

To help build a more self-sufficient, independently functioning society in Alberta, reducing the involvement of the state in family affairs wherever possible while making every effort to ensure that family members' rights are upheld and their responsibilities discharged.

HISTORY

This program was created with the enactment of the Maintenance and Recovery Act in 1969. The legislative mandate of the program was broadened in 1979 with an amendment to the Social Development Act providing for subrogation.

Beyond these two Acts, there is no legislative requirement for the services of the program. Rather, the services are provided by Alberta Social Services and Community Health as a matter of Alberta Government and Department policy.

Basically, however, the program is rooted in family law, and takes its direction from the various Alberta statutes governing the disposition and resolution of family issues. In a general sense the program functions in the spirit of family law in Alberta and specifically, in accordance with these Acts:

1. Maintenance and Recovery Act
2. Social Development Act
3. Department of Social Services and Community Health Act
4. Domestic Relations Act
5. Provincial Court Act
6. Reciprocal Enforcement of Maintenance Orders Act
7. Child Welfare Act

General

The program was first operated as a branch of Alberta Social Services and Community Health, and was known as the Maintenance and Recovery Branch.

The title of the program changed as its functions broadened and as changes occurred in operational methods and philo-

sophical emphasis. Following the introduction of subrogation in 1979 and the transfer of staff to Social Services and Community Health from the Attorney General's and Solicitor General's Departments, the program was re-titled the Family Maintenance and Court Services Branch. In the summer of 1982, in keeping with the Department's thrust to decentralize the delivery of services to district offices, central office activities centred on program development. At the same time, the term Family Relations Program was conceived to reflect the Department's overall desire to place more emphasis on preventative, pro-active kinds of activities. Thus the Family Relations Program as currently constituted consists of a small development group working out of the Family Support and Children's Services Branch to establish the basic composition and provincial standards for services that will be provided at the local level.

SCOPE

Target Population

Essentially, this program is designed to assist Albertans with family problems that may require legal action. In the course of providing that assistance family relations workers deal with separated/divorced persons, unmarried parents, parents of children in the care of the Director of Child Welfare, and their families; and persons applying for child custody.

Additionally in the Edmonton Region, assistance is provided to persons seeking or considering legal action in resolving domestic disputes, or with regard to a family member's mental health problems.

Volume of Activity

The number of active cases in this program averages 19,500 per month. Approximately two-thirds of all activity occurs in the Edmonton and Calgary regions. More than three-quarters of all clients are applying for/or receiving social allowance.

ORGANIZATION

Geographic

A. Edmonton and Calgary Regions

In each of these two regions, the services of this program are provided by:

- The Family Maintenance unit (Separated/Divorced) which is part of the district office specializing in the Family Relations Program.
- The Enforcement unit, also part of the Family Relations district office (Edmonton only).
- Children of Unmarried Parents unit, including parent orders and Maintenance-Custody by Agreement enforcement.
- The Family Court Services unit.*

* Activities of the Edmonton Region Family Court Services unit extend into three other regions through the intake service it provides for private-sector clients at 19 circuit points:

Drayton Valley	Edmonton Region
Edson	
Fort Saskatchewan	
Sherwood Park	
St. Albert	
Stony Plain	
Leduc	
Barrhead	Northwestern Region
Whitecourt	
Athabasca	Northeastern Region
Bonnyville	
Lloydminster	
Vegreville	
Westlock	
St. Paul	
Grand Centre	
Camrose	Central Region
Wainwright	
Wetaskiwin	

B. <u>All Other Regions</u>

In all areas outside the Calgary and Edmonton regions the services of this program are provided in one of two ways:

- in larger urban centres, by specialized workers in the Family Relations unit of a district office;
- in rural areas, by a generalist worker whose Family Relations responsibilities are part of a diversified caseload.

C. Court Centres

In Alberta, there are eight main centres where family court judges are based. Each of these centres has responsibility for "circuits" or service to outlying communities. Circuits may be once a month or on a demand basis. In some areas of the province, judges go on circuit together with their support staff-judicial clerk, family relations worker, court reporter; in other areas, the judge travels to the community alone and a worker in the local district office assumes the responsibility for the court services function.

Workers should recognize that procedures may differ in each of the Family Courts in the province. There are many reasons for these differences. Judges have the privilege of making legal decisions based on their understanding of the law. This may have implications for the operation of the court and for department staff who appear in these courts.

Services

The Family Relations Program consists of seven subprograms:

1. Maintenance - Separated/Divorced Persons
2. Maintenance - Children of Unmarried Parents
3. Maintenance - Children in Care
4. Maintenance - Guardian Social Allowance
5. Court Services
6. Family Conciliation
7. Custody Investigations

OUTLINE OF ACTIVITIES

Issues most commonly dealt with in this program are maintenance, child support, custody, access and family violence. Activities central to the Family Relations worker's function are:

1. Assessment

   . review of history and present circumstances

   . identification of problems

   . exploration of alternatives (to court action)

2. Counselling

   . assistance in identifying most appropriate course of action

   . preparing the client for court

   . approximate timing of events

   . interpretation of court decision

3. Referral

   . identificaton of specialized services such as marriage counselling, financial planning, etc., which may assist the client

   . making arrangements for a client to get help from a particular government or outside agency

4. Direct Assistance

- local search activities as required
- preparation of documents
- obtaining a court date
- appearing in court as a presentor, facilitator or witness
- liaison with department lawyers

5. Subrogation Activities

- explanation of law/process to client
- assessment of case to determine if it should be exempted or maintenance pursued
- application for maintenance on the government's behalf, if the decision is to pursue maintenance
- appearing in court as the applicant representing the government

6. Caseload Administration

- record keeping
- monitoring

7. Collection and Enforcement

- contacting payee regarding arrears
- court related activities
- keeping client informed

MAINTENANCE - SEPARATED/DIVORCED PERSONS

RATIONALE

1. The responsibility to provide for the maintenance of dependant family members following marriage breakdown lies with the parents and spouses, and not with the state.

2. Separated or divorced couples should be encouraged to reach agreement between themselves what their maintenance arrangements will be.

3. Dependant spouses seeking maintenance from their former marriage partners should have ready access to the judicial system and assistance in making the most effective use of the system, without regard to their financial capabilities.

4. When the state is supporting the family of a separated or divorced person who is capable of providing maintenance but has failed to do so, the state has an obligation to seek redress through the courts in order to recover or offset the costs to the taxpayer.

OBJECTIVE

To minimize:

- the role of the state in providing for maintenance agreements between separated and divorced persons.

- the caseload of the Alberta court system with regard to family law

. the financial burden on Alberta taxpayers caused by the failure of separated and divorced persons to discharge their responsibilities to their families.

STRATEGY

1. Respond to all requests from separated and divorced persons seeking assistance regarding maintenance.

2. Encourage voluntary agreements whenever possible.

3. Pursue directly on behalf of the department all reasonable potential for maintenance from the responsible spouse, when the department is supporting his/her family through social assistance.

HISTORY

Legislative Base

Applications for both original maintenance orders and enforcement of existing orders are made under one of these Acts:

a. Domestic Relations Act
b. Provincial Court Act
c. Reciprocal Enforcement of Maintenance Orders Act
d. Divorce Act
e. Social Development Act, 1979 Amendment

SCOPE

Target Population

Services of this subprogram are available to all separated and divorced persons in Alberta, whether or not they are SSCH clients on social allowance.

OUTLINE OF ACTIVITIES

In this subprogram clients are assisted in obtaining maintenance from the person responsible for contributing to the family's support, usually the husband and father. When the department is supporting the family through social allowance, efforts to obtain maintenance are made on the department's own behalf and any monies collected are directed to the Provincial Treasury to reduce the financial burden on the taxpayers. Specific activities are as outlined in the Introduction.

MAINTENANCE - CHILDREN OF UNMARRIED PARENTS

RATIONALE

This subprogram takes its impetus directly from Alberta law, specifically the Maintenance and Recovery Act, which takes the view that unmarried parents have a responsibility to provide for the maintenance of their children regardless of who is caring for them.

The Act empowers the courts to establish paternity, if disputed, to issue maintenance orders and to impose penalties, including imprisonment, for mothers and putative fathers who fail to comply. It also provides for legally binding voluntary agreements to which the Director of Family Relations* is a third party.

* References in the Act to the Director of Maintenance and Recovery are to be taken to mean the Director of Family Support and Children's Services.

As spelled out in the Act and further defined by SSCH policy, the department's role reflects all four basic principles of the Family Relations Program (see page 1).

OBJECTIVE

To create a heightened awareness in Alberta of the responsibilities of parenthood, in particular the financial responsibilities of unmarried parents, and to foster a societal attitude in which they will accept those responsibilities in increasing numbers without the necessity for court action.

STRATEGY

1. To provide maximum opportunity for applications to be made under the Act.

2. To encourage voluntary agreements whenever possible, through counselling.

3. To make application on the department's behalf, if appropriate, when the children of unmarried parents are being supported through social allowance.

4. Through public education, to increase awareness of the law, use of the services and the ratio of voluntary agreements to court orders.

HISTORY

Legislative Base

The present revised Act of 1980 was preceded by the Maintenance and Recovery Act of 1969, which superseded the Children of Unmarried Parents Act.

General

Prior to 1969 the activities of this subprogram were carried out by the Child Welfare Program. Since that time they have been the responsibility of the Family Relations Program.

SCOPE

Target Population

Services of this program are available to all mothers and fathers or to any person caring for a child of unmarried parents.

OUTLINE OF ACTIVITIES

The services of this subprogram, including legal counsel, may be provided free of charge to all persons wishing to make application under the Act. Although in most cases the client is a mother seeking maintenance from the putative father, services are also available to a father in the reverse situation or to any other person who may be caring for the child and seeking maintenance from one or both parents.

As directed in the legislation, the Director enters into all voluntary agreements as a third party and acts as trustee for all monies collected on both orders and agreements. Currently, the Director's authority is delegated to supervisory staff throughout the six regions of the province.

In all respect the activities of this subprogram are as outlined in the Introduction, (page 7).

MAINTENANCE - CHILDREN IN CARE

RATIONALE

1. Parents should accept their continuing financial responsibilities for their children even if they are unable to care for them at home.

2. While it may be necessary for the state to provide for the care of a family's children on a temporary basis, the taxpayers should not be required to pay the cost of providing that care when the parents are able to do so.

OBJECTIVE

To help carry the message to Albertans that parenthood is a continuing responsibility, and that temporary government involvement in the care of children does not negate the parent's continuing financial responsibility for their children.

STRATEGY

Pursue vigorously the collection and enforcement of maintenance under all Custody by Agreement contracts and Parent's Maintenance Orders, provided the parents are financially capable of meeting the terms.

HISTORY

Legislative Base

This subprogram is based on the Maintenance and Recovery Act and sections 19 and 20 of the Child Welfare Act.

General

Prior to 1969, when the Maintenance and Recovery Act was enacted, the activities of this subprogram were the responsibility of the Child Welfare Program. Child Welfare has retained the responsibility for obtaining orders and agreements for maintenance of children in care. The Family Relations responsibility begins after the order or agreement is in place, and is concerned only with collection and enforcement.

SCOPE

Target Population

This subprogram concerns itself with all parents of children who are in the temporary care of the Director of Child Welfare and who are committed either by agreement or court order to pay maintenance for their children while in care.

OUTLINE OF ACTIVITIES

1. Collection, monitoring and enforcement of maintenance under all Custody by Agreement contracts, which are drawn up between the Director of Child Welfare and parents who have voluntarily placed their children in the Director's care.

2. Collection, monitoring and enforcement of Parent's Maintenance Orders, in which the court has ordered the parents of children in the temporary care of the Director of Child Welfare to contribute to the children's support during the period of the wardship. Parent's Maintenance Orders are issued only when the department has apprehended the children and temporary wardship has been ordered by the court, as opposed to the voluntary placement outlined in (1) above.

COURT SERVICES

RATIONALE

1. Family problems and disputes are best resolved by the people involved.

2. A social work setting is preferrable to the courts as a forum for resolution of family problems if the family members want outside help.

3. With or without court action, family members can benefit from the social work setting in working out longer-term solutions of a preventive nature.

OBJECTIVE

To avoid court litigation whenever possible as a means of resolving family problems, and to help family members achieve long-term solutions.

To ensure that when family members do proceed to court, they do so on an informed basis, with ready access to the system and the most effective use of it, and without regard to their financial circumstances.

STRATEGY

1. To emphasize self-help and prevention of further family breakdown in every client encounter.

2. If court action is unavoidable to provide necessary assistance but continue to encourage family members to pursue longer-term solutions.

HISTORY

Legislative Base

No legislative base exists for the activities of this subprogram, but it is designed to assist in the administration of the following Acts:

- Provincial Court Act
- Mental Health Act
- Criminal Code (Assaults/Threats)

General

The involvement of Social Services and Community Health staff in Court Services came about in 1979 with the transfer of staff from the Departments of the Attorney General and Solicitor General. Certain functions were transferred along with the staff, among them the responsibility for Court Services.

SCOPE

Target Population

The services of this subprogram are available to all persons seeking to resolve family disputes involving custody/access, assault or threats, or seeking a warrant to convey a family member to a facility for psychiatric examination.

OUTLINE OF ACTIVITIES

This subprogram functions as the social services support arm of the courts in dealing with such family issues as:

. family violence (assault, threats)

- custody/access
- severe mental health problems (presently in the Edmonton area only).

The range of services includes:

- intake (screening, assessment, referral if indicated)
- short-term counselling (if appropriate)
- direct assistance in initiating and pursuing court action.

FAMILY CONCILIATION SERVICE

RATIONALE

1. Many couples experiencing marital breakdown are able and willing, with assistance, to approach and deal with the issues on their own. By encouraging them to do so, the court system will be relieved with having to deal with these matters.

2. The parties themselves, the courts and, ultimately, the taxpayers, can benefit from a counselling service for separating couples that is non-adversarial in its approach.

3. Through conciliation couples can be helped to identify and sort out problems, work towards agreement on the terms of their marriage dissolution before the case comes to court and, in some cases, avoid court action altogether.

OBJECTIVE

To help separating couples make responsible decisions for the benefit of themselves and their children and thereby to lessen the demands of the Alberta court system for settling disputes arising from separation and divorce.

STRATEGY

1. Provide a setting in which couples can deal with the breakdown of their marriage in a rational manner.

2. Encourage them to view the legal issues associated with their marriage breakdown as essentially a family matter, most effectively dealt with by the parties themselves.

3. Ensure that any possibilities of reconciliation are not overlooked.

4. Ensure that if at all possible, such issues as maintenance, custody and disposition of property are settled by agreement before the case comes to court.

5. Through public education, facilitate the use of conciliation/mediation services.

HISTORY

Legislative Base

No legislative base exists for this subprogram.

General

The Family Conciliation Service began as an experiment in 1972, operated by the Attorney General's Department under a three year grant from Health and Welfare Canada. Since September, 1975, it has been operating with provincial funding. Social Services and Community Health took over responsibility for the service from the Attorney General's Department in 1979, and at that time the department made a commitment to give permanent status to the service. To date this subprogram operates only in Edmonton, although Family Relations workers and other caseworkers in district offices often find themselves performing a similar function.

SCOPE

Target Population

The services of this subprogram are available to all persons seeking solutions to marital problems within the legal system.

ORGANIZATION

The Family Conciliation unit is part of the Court Services district office and is administered by it. Both are located in the A.E. LePage Building at 10130 - 103 Street, Edmonton, Alberta, T5J 3N9.

CUSTODY INVESTIGATIONS

RATIONALE

1. While it is the court that is charged with the ultimate responsibility for settling a custody dispute, the court must have at its disposal sufficient information upon which to arrive at a decision. The provision of that information carries with it a profound responsibility and a need for professional skills.

2. The welfare of the child or children is paramount in determining custody. It is the sole perspective from which a custody investigation should be conducted.

3. Any information to be used in determining custody should be acquired with care and thoroughness, over a sufficient period of time to ensure that it is accurate, fair and balanced. It should be assessed and presented in a professional manner, as objectively as possible.

4. It is the obligation of the state to make available the time and skills necessary to assist in the resolution of all custody disputes, without regard to the financial capabilities of the principals.

5. It is to the benefit of all parties concerned to resolve a custody dispute by agreement, without recourse to the courts.

OBJECTIVE

To provide a professional resource to the courts in resolving custody disputes.

STRATEGY

1. To respond promptly to all requests for assistance in resolving custody disputes.

2. To assess whether mediation is a possibility, and if so, obtain agreement of all parties; including lawyers and the court.

3. To devote sufficient time and care to all custody investigations that the courts can be assured of the reliability of the information.

4. To maintain all possible objectivity in the assessment and presentation of the information.

HISTORY

Legislative Base

There is no legislative base for the involvement of Social Services and Community Health staff in custody matters.

General

The involvement of Social Services and Community Health staff in custody matters came about in 1979 with the transfer of staff from the Department of the Attorney General. Certain functions were transferred along with staff, among them the responsibility for custody investigations.

SCOPE

Target Population

The services of this subprogram are available to all persons seeking to resolve custody disputes, on order from the Family Court or Court of Queen's Bench.*

* In Edmonton the services are provided to the Court of Queen's Bench by a special unit of the Attorney General's Department.

OUTLINE OF ACTIVITIES

1. Conducting of investigations, according to established criteria.

2. Completion of report.

3. Attendance at court, giving of evidence as required.

GUARDIAN SOCIAL ALLOWANCE

RATIONALE

1. Parents should accept their continuing responsibilities to their children regardless of family break-up or other disruptive circumstances.

2. While it may be necessary for a guardian to provide an alternative for a child away from the family, the taxpayers should not be required to pay the cost of providing for the support of that child when the parents are able to do so.

OBJECTIVE

To make parents of children living away from home with guardians aware of their continuing responsibilities to their children, and to ensure that those responsibilities are met.

STRATEGY

1. Assess the financial circumstances of parents whose children are living with a guardian and supported through Guardian Social Allowance, in order to determine their ability to contribute to the support of those children.

2. Pursue Guardian Maintenance Agreements and Guardian Maintenance orders, as indicated by the parents' circumstances and attitude.

3. Collect, monitor and enforce maintenance agreements and orders arising out of the Guardian Social Allowance program.

HISTORY

Legislative Base

The activities of this subprogram arise directly out of the Maintenance and Recovery Act, section 4.

General

This subprogram was created with the enactment of the Maintenance and Recovery Act in 1969. Until 1982 the responsibility for drawing up Guardian Maintenance Agreements was a function of the Income Security Program, but all activities associated with the subprogram are now carried out by Family Relations workers.

SCOPE

Target Population

This subprogram deals with all parents of children supported by the Guardian Social Allowance subprogram of Income Security, upon referral from Income Security.

OUTLINE OF ACTIVITIES

1. Assessment of cost recovery potential in Guardian Social Allowance cases referred by Income Security.

2. Pursuit of maintenance as indicated, by agreement if possible, otherwise by court order.

3. Collection, monitoring and enforcement of agreements and orders arising out of the Guardian Social Allowance Program.